



General Assembly

January Session, 2015

Raised Bill No. 6896

LCO No. 4236



Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:
(KID)

AN ACT CONCERNING THE TRANSFER OF YOUTHS FROM THE COURT OF PROBATE TO THE SUPERIOR COURT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2015*) (a) When a contested
2 application (1) for the removal of one or both parents as guardians or
3 of any other guardian of the person of a child or youth, (2) for the
4 termination of parental rights, or (3) to commit a child or youth to a
5 hospital for the mentally ill, has been transferred from the Court of
6 Probate to the Superior Court, the clerk of the Superior Court shall
7 provide to the clerk of the Court of Probate from which such transfer
8 was made (A) a copy of any orders or decrees thereafter rendered,
9 including orders regarding reinstatement of a parent or guardian
10 pursuant to section 45a-611 of the general statutes and the right of
11 visitation pursuant to section 45a-612 of the general statutes, and (B) a
12 copy of any appeal of a Superior Court decision in the matter.
- 13 (b) The date of receipt by the Superior Court of a contested
14 application transferred from the Court of Probate pursuant to
15 subsection (a) of this section shall be the filing date for determining

16 initial hearing dates in the Superior Court. The date of receipt by the
17 Superior Court of any Court of Probate issued ex parte order of
18 temporary custody not heard by the Court of Probate shall be the
19 issuance date in the Superior Court.

20 (c) Any appearance filed for any party in the Court of Probate shall
21 continue in the Superior Court until (1) a motion to withdraw is filed
22 by counsel and granted by the Court of Probate or the Superior Court,
23 or (2) another counsel files an "in lieu of" appearance on behalf of the
24 party. If the party represented is indigent or is the child subject to the
25 proceedings, new counsel shall be assigned from the list of Public
26 Defender Services assigned counsel and shall be paid by the Public
27 Defender Services Commission. The juvenile matters court may
28 request that the Division of Public Defender Services contract with
29 probate counsel for representation if continued representation would
30 be in the best interest of the client. Counsel for indigent parties or
31 minor children appointed by Court of Probate administration who
32 remain on the case in Superior Court shall be paid by the Public
33 Defender Services Commission according to its policies at the rate of
34 pay established by the commission.

35 (d) (1) The clerk of the Superior Court shall notify appearing parties
36 in applications for removal of guardian by mail of the date of the initial
37 hearing that shall be held not more than thirty days from the date of
38 receipt of the transferred application. Not less than ten days prior to
39 the initial hearing, the clerk of the Superior Court shall cause a copy of
40 the transfer order and probate petition for removal of guardian and an
41 advisement of rights notice to be served on any nonappearing party or
42 any party not served within the last twelve months with an
43 accompanying order of notice and summons to appear at an initial
44 hearing.

45 (2) The clerk of the Superior Court shall notify appearing parties in
46 applications for termination of parental rights by mail of the date of
47 the initial hearing that shall be held not more than thirty days from the

48 date of receipt of the transferred application. Not less than ten days
 49 prior to the date of the initial hearing, the clerk of the Superior Court
 50 shall cause a copy of the transfer order and probate petition for
 51 termination of parental rights and an advisement of rights notice to be
 52 served on all parties, regardless of prior service, with an
 53 accompanying order of notice and summons to appear at an initial
 54 hearing.

55 (3) The clerk of the Superior Court shall notify appearing parties in
 56 applications to commit a child or youth to a hospital for the mentally
 57 ill by mail of the date of the initial hearing that shall be held not more
 58 than thirty days from the date of receipt of the transferred application.
 59 Not less than ten days prior to the date of the initial hearing, the clerk
 60 of the Superior Court shall cause a copy of the transfer order and
 61 probate petition to commit a child or youth to a hospital for the
 62 mentally ill and an advisement of rights notice to be served on all
 63 parties, regardless of prior service, with an accompanying order of
 64 notice and summons to appear at an initial hearing.

65 (e) The clerk of the Superior Court shall mail notice of the initial
 66 hearing date for all transferred petitions to all counsel of record and to
 67 the Commissioner of Children and Families or to any other agency that
 68 has been ordered by the Court of Probate to conduct an investigation
 69 pursuant to section 45a-619 of the general statutes. The commissioner
 70 or any other investigating agency shall be notified of the need to have
 71 a representative present at the initial hearing.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2015	New section
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Statement of Purpose:

To ensure that appointed counsel in cases transferred from the Court of Probate to Superior Court are subject to oversight and training of the Division of Public Defender Services.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]